11-07-00

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Please type a plus sign (+) inside this box [+]

PTO/SB/05 (8/05)
Approved for use through 10/31/2002 OMB 0651-0032
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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1 53(b))

Attorney Docket No.	03000- P0003C
First Inventor	Wesley W. Whitmyer, Jr.
Title	OnSite Backup For Inernet-Based Data
Express Mail Label No.	EL574204305US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents

1. [X] Fee Transmittal Form *(e.g., PTO/SB/17)* *(Submit an original and a duplicate for fee processing)*
2. [X] Applicant claims small entity status See 37 CFR 1.27.
3. [X] Specification [Total Pages 11]
   (preferred arrangement set forth below)
   - Descriptive title of the Invention
   - Cross References to Related Applications
   - Statement Regarding Fed sponsored R & D
   - Reference to Microfiche Appendix
   - Background of the Invention
   - Brief Summary of the Invention
   - Brief Description of the Drawings *(if filed)*
   - Detailed Description
   - Claims(s)
   - Abstract of the Disclosure
4. [X] Drawings(s) *(35 USC 113)* Total Sheets [3]
5. Oath or Declaration Total Pages [2]
   a. [X] New executed (original or copy)
   b. [ ] Copy from prior application (37 CFR 1 63(d)) *(for continuation/divisional with Box 17 completed)*
   i [ ] DELETION OF INVENTOR(S) Signed statement attached deleting inventors(s) named in the prior application, see 37 CFR 1 63(d)(2) and 1 33(b)
6. [ ] Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231

7. [ ] CD-ROM or CD-R in duplicate, large table or Computer Program *(Appendix)*
8. Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all necessary)*
   a. [ ] Computer Readable Form (CRF)
   b Specification Sequence Listing on:
   i. [ ] CD-ROM or CD-R (2 copies), or
   ii [ ] paper
   c. [ ] Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. [ ] Assignment Papers (cover sheet & document(s))
10. [ ] 37 CFR 3.73(b) Statement [ ] Power of Attorney
11. [ ] English Translation Document *(if applicable)*
12. [ ] Information Disclosure Statement (IDS)/PTO-1449 [ ] Copies of IDS Citations
13. [ ] Preliminary Amendment
14. [ ] Return Receipt Postcard (MPEP 503) *(Should be specifically itemized)*
15. [ ] Certified Copy of Priority Document(s) *(if foreign priority is claimed)*
16. [ ] Other.....

17. If a CONTINUING APPLICATION, *check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1 76:*

[ ] Continuation [ ] Divisional [X] Continuation-in-part of prior application No 09/610,709

Prior application information Examiner Group/Art Unit

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 4b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

18. CORRESPONDENCE ADDRESS

[X] *Customer Number of Bar Code Label* 24126 *(Insert Customer No. or Attach bar code label here)* [X] *Correspondence address below*

Name	Wesley W. Whitmyer, Jr.						
Address	St.Onge Steward Johnston & Reens LLC						
	986 Bedford Street						
City	Stamford		State	CT	Zip Code		06905-5619
Country	United States	Telephone	203 324-6155		Fax		203 327-1096

Name (Print/Type)	Todd M. Oberdick	Registration No. (Attorney/Agent)	44,268
Signature	Todd M. Oberdick	Date	11/6/00

Burden Hour Statement. This form is estimated to take 0 2 hours to complete Times will vary depending upon the needs of the individual case Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Office, Patent and Trademark Office, Washington, DC 20231 DO NOT SEND FEES OF COMPLETED FORMS TO THIS ADDRESS SEND TO Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

jc943 U.S. PTO
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FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision

TOTAL AMOUNT OF PAYMENT	($) 355.00

Complete if Known	
Application No.	Pending
Filing Date	November 6, 2000
First Named Inventor	Wesley W. Whitmyer, Jr.
Examiner Name	
Group Art Unit	
Attorney Docket Number	03000- P0003C WWW/TMO

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payment to

Deposit Account Number: 19-4516

Deposit Account Name: St.Onge Steward Johnston & Reens LLC

☒ Charge Any Additional Fee Required 37 CFR 1 16 and 1 17

☒ Applicant claims small entity status. See 37 CFR 1 27

2. ☒ **Payment Enclosed**

☒ Check ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Large Fee ($)	Small Fee Code	Small Fee ($)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	355.00
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	780	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	
				SUBTOTAL (1) ($)	355.00

2. EXTRA CLAIMS FEES

			Extra Claims		Fee from Below		Fee Paid
Total Claims	9	-20**=	0	X		=	
Independent Claims	3	- 3 =	0	X		=	
Multiple Dependent				X		=	

Large Fee Code	Large Fee ($)	Small Fee Code	Small Fee ($)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claims, if not paid
108	80	208	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

** *or number previously paid, if greater, For Reissues, see above*

SUBTOTAL (2) ($) -0-

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Fee Code	Large Fee ($)	Small Fee Code	Small Fee ($)	Fee Description	Fee Paid
105	130	205	65	Surcharge – late filing for or oath	
127	50	227	25	Surcharge – late provisional filing or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for *ex parte* reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840	Requesting publication of SIR after Examiner Action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive – unavoidable	
141	1,240	241	620	Petition to revive – unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
126	240	126	240	Submission of Informational Disclosure Stmt	
581	40	581	40	Recording each patent assignment per Property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37(CFR § 1 129(a))	
149	710	249	355	For each additional invention to be Examined (37 CFR 1 129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)_____

* Reduced by Basic Filing Fee paid SUBTOTAL (3) ($) -0-

SUBMITTED BY	St.Onge Steward Johnston & Reens LLC			Complete (if applicable)	
Name (Print Type)	Todd M. Oberdick	Registration No. (Attorney/Agent)	44,268	Telephone	203 324-6155
Signature	Todd M. Oberdick			Date	11/6/00

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PATENT
03000-P0003C WWW/TMO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	Wesley W. Whitmyer, Jr.
Serial No. - Pending	Filing Date: November 3, 2000
Title of Application:	OnSite Backup For Inernet-Based Data Processing

Assistant Commissioner for Patents
Washington, DC 20231

Verified Statement Claiming Small Entity Status -- Independent Inventor

As below named inventor, the undersigned declares that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled **OnSite Backup For Inernet-Based Data Processing** described in the specification filed herewith.

I have not assigned, granted, conveyed, or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any right in the invention is listed below:

There is no such person, concern, or organization.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

3 November 00
Date

Wesley W. Whitmyer, Jr.
198 Old Kings Highway South
Darien, CT 06820

09/705,044 - 11/03/00

PATENT
03000-P0003C WWW/TMO

Wesley W. Whitmyer, Jr.
198 Old Kings Highway South
Darien, CT 06820

for

ONSITE BACKUP FOR INTERNET-BASED DATA PROCESSING

Attorneys for Applicant
Wesley W. Whitmyer, Jr., Registration No. 33,558
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ST.ONGE STEWARD JOHNSTON & REENS LLC
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203 324-6155

Express Mail Certificate: I hereby certify that this correspondence is today being deposited with the U.S. Postal Service as *Express Mail Post Office to Addressee* Mailing Label Number EL574204305US in an envelope addressed to: BOX PATENT APPLICATION; Assistant Commissioner for Patents; Washington, DC 20231.

November 6, 2000

JoAnne M. Cassone

DOCKET ALARM

ONSITE BACKUP FOR INTERNET-BASED DATA PROCESSING

Claim of Priority

This application is a continuation in part of copending U.S. Patent Application Serial No. 09/610,709 filed July 7, 2000.

Field Of The Invention

The invention relates to outsourced, Internet-based data processing and more particularly to safeguarding customer/client data when a business outsources data processing to third party Internet-based systems.

Background Of The Invention

In an effort to improve customer service, companies are increasingly moving their data processing systems onto the Internet and providing web interfaces for their customers to see and manipulate their own data. Examples include my prior U.S. Patent No. 5,895,468 and related U.S. Application Serial No. 09/237,521. Many other Internet based order entry and payment billing systems also exist.

Also companies are or soon will be outsourcing data processing for their own customers to third parties who, for example, develop and host the companies' web sites. This cuts costs and relieves companies of having to hire software expertise to service their customers and also relieves them of having to maintain hardware for scalability and to prevent service outages which erode customer confidence in the company. Further, hardware can be located in one place to minimize maintenance and bandwidth

costs, while software and data entry can be located in one or multiple places where it is least expensive and can offer 24/7 coverage.

One difficulty companies face when considering whether to outsource data-processing to third party, Internet-based systems is the safeguarding of their and their clients' data. This problem is exacerbated when the company has a duty or professional responsibility to safeguard the data, such as a publicly traded company, law firm or medical practice. Another difficulty companies face in considering to outsource is continuity of service if, for example, the third party were to go out of business.

Many companies who currently perform their own data processing and are sensitized to the need to safeguard their and their customers' data have recently connected their LANs to the Internet, and are beginning to use third-party, Internet-based backup services (see FIG. 2). This provides a prudent off-site backup but does not offer the benefits of outsourcing the data processing to the Internet. Internet data backup companies include, inter alia, and Storage Tek.

Internet-based application service providers, so-called "ASPs" are known and provide the advantage that hardware and software maintenance and upgrades are centrally managed by a third and not by each user or each LAN (see FIG. 3). User data may even be stored on the internet site, however, the data is still entered and manipulated by each user on his LAN/computer and the data manipulation and reporting is handled by each user on his LAN/computer.

What is desired, therefore, is an Internet-based data processing system which safeguards data providing an incentive for companies to outsource their data processing. Safeguarding applications, and especially any user customized settings, would also be desirable.

Summary Of The Invention

It is an object of the invention to safeguard the integrity of client data in an Internet-based data processing system or business.

Another object of the invention is to provide third party Internet-based data processing in which clients have access to and control over their own data.

A further object of the invention is to provide an Internet-based data processing system in which clients can obtain a copy of their data for on-site backup.

Yet another object of the invention is to provide a system of the above character in which the backup is provided in a format other than that used by the third party data processing system.

Yet a further object of the invention is to provide a system of the above character in which the data is encrypted to protect its confidentiality.

Still another object of the invention is to safeguard the third-party data processing software for use by the client in the event the third party were to go out of business.

These and other objects and advantages will become more apparent from the following detailed description considered with reference to the accompanying drawings.

Brief Description Of The Drawings

FIG. 1 is a block diagram of an Internet-based data processing system providing backup on clients' sites.

FIG. 2 is a block diagram of prior art systems providing Internet backup for data processing on clients' sites.

FIG. 3 is a block diagram of prior art systems providing Internet hosting of application and storage of data.

FIG. 4 is a block diagram of the system of FIG. 1 illustrating additional format conversion and encryption features.

Detailed Description Of Drawings

Fig. 1 is a block diagram of an Internet-based data processing system providing backup on clients' sites. The client computer 20 and data processing system 15 are connected by an Internet communications link 10. The client computer 20 executes software (Fig. 4 No. 38), residing on the data processing system15, for storing data on the data processing system. The client computer 20 executes software, residing on the data processing system 15, for displaying, updating, and deleting data 18 stored on the central processing system 15. The data processing system 15 transmits 14 a copy of stored data to the client computer 20. The client computer 20 issues commands 18 for transmitting (restoring) data 16 back to the data processing system 15. The client computer 20 executes software 18, residing on the data processing system 15, requesting reports from the data processing system 15. The data processing system 15 transmits reports 22 to the client computer 20. The client computer can generate reports 24 and transmit said generated reports to a client customer 26.

FIG. 2 is a block diagram of prior art systems providing Internet backup for data processing on clients' sites. The client computer 50 and data backup system 55 are connected by an Internet communications link 70. Data displayed, manipulated, and deleted (not shown) by the client computer 50 is stored on the client computer 50. The client computer 50 executes software for transmitting a copy of data 52 to the data backup system 55. The client computer executes software for retrieving data 54 stored on the data backup system 55. There is no onsite backup of data for the client computer 50 to retrieve.

FIG. 3 is a block diagram of prior art systems providing Internet hosting of application and storage of data. The client computer 60 and application hosting system 65 are connected by an Internet communications link 75. Data displayed, manipulated, and

deleted (not shown) by the client computer 60 is stored on the application hosting system 65. There is no onsite backup of data for the client computer 60 to access.

FIG. 4 is a block diagram of the system of FIG. 1 illustrating additional format conversion and encryption features. This additional feature allows a client to back-up data on-site that is securely stored in a plurality of formats the client may require. The client computer 20 transmits a request 32 to the data backup system 15. The data backup system 15 accesses data (stored on the data backup system 34), reformats the data, encrypts the data, and transmits the data 40, 14 to the client computer 20. The client computer 20 receives, decrypts, and stores 38 the data onsite 36.

It is to be understood that although specific embodiments of the invention have been described herein in detail, such description is for purposes of illustration only and modifications may be made thereto by those skilled in the art within the scope of the invention.

Docket No. 50P5000

What is Claimed

1. A system for onsite backup of internet-based data comprising:

a central computer;

a client computer;

a communications link between said central computer and the Internet;

a communications link between said client computer and the Internet;

at least one database containing a plurality of data records accessible by said central computer, each data record containing a client identification number;

software executing on said central computer for receiving a data backup request;

software executing on said central computer for transmitting said data backup to said client computer.

2. The system of claim 2 further comprising of software executing on said client computer for storing said data backup in a location accessible to said client computer.

3. The system of claim 2 further comprising of software executing on said central computer for retrieving said data backup.

4. A system for onsite backup of internet-based data comprising:

a central computer;

a client computer;

a communications link between said central computer and the Internet;

a communications link between said client computer and the Internet;

at least one database containing a plurality of data records accessible by said central computer, each data record containing a client identification number;

software executing on said central computer for receiving commands from said client computer;

software executing on said central computer for receiving data from said client computer;

software executing on said central computer for storing said received data in said database;

software executing on said central computer for generating a data backup request form;

software executing on said central computer for transmitting said data backup request form through the internet;

software executing on said central computer for receiving a reply to said data backup request form;

software executing on said central computer for transmitting said data backup to said client computer.

5. The system of claim 4 further comprising of software executing on said client computer for storing said data backup in a location accessible to said client computer.

6. The system of claim 4 further comprising of software executing on said central computer for retrieving said data backup.

7. A system for onsite backup of internet-based data comprising:

a central computer;

a client computer;

a communications link between said central computer and the Internet;

a communications link between said client computer and the Internet;

at least one database containing a plurality of data records accessible by said central computer, each data record containing a client identification number;

software executing on said central computer for receiving commands from said client computer, for receiving data from said client computer, and for storing said data in said database;

software executing on said central computer for receiving a data backup request and for receiving a data format conversion request;

software executing on said central computer for retrieving said data from said database and for converting said data to a format corresponding to said data format conversion request;

software executing on said central computer for encrypting said data backup;

software executing on said central computer for transmitting said data backup to said client computer; and

software executing on said client computer for decrypting said data backup.

8. The system of claim 7 further comprising of software executing on said client computer for storing said data backup in a location accessible to said client computer.

9. The system of claim 7 further comprising of software executing on said central computer for retrieving said data backup.

ONSITE BACKUP FOR INTERNET-BASED DATA PROCESSING

Abstract

A system for onsite backup of internet-based data is provided. The system includes a central computer, a client computer, a communications link between the central computer and the Internet, and a communications link between the client computer and the Internet. The system also includes at least one database containing a plurality of data records accessible by the central computer, each data record containing a client identification number. Software executing on the central computer receives a data backup request, and software executing on the central computer transmits the data backup to the client computer.

Express Mail Label No. EV339926241US

PATENT
03000-P0003C WWW/TMO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	Wesley W. Whitmyer, Jr.
Serial No. - Pending	November 6, 2000
Title of Application:	OnSite Backup For Inernet-Based Data Processing

Assistant Commissioner for Patents
Washington, DC 20231

Cover Sheet For Three Sheets Of Drawings

Attorneys for Applicant
Wesley W. Whitmyer, Jr., Registration No. 33,558
Todd M. Oberdick, Registration No. 44,268
ST.ONGE STEWARD JOHNSTON & REENS LLC
986 Bedford Street
Stamford, CT 06905-5619
203 324-6155

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November 6, 2000 Joanne M. Cassone

DO NOT DESTROY

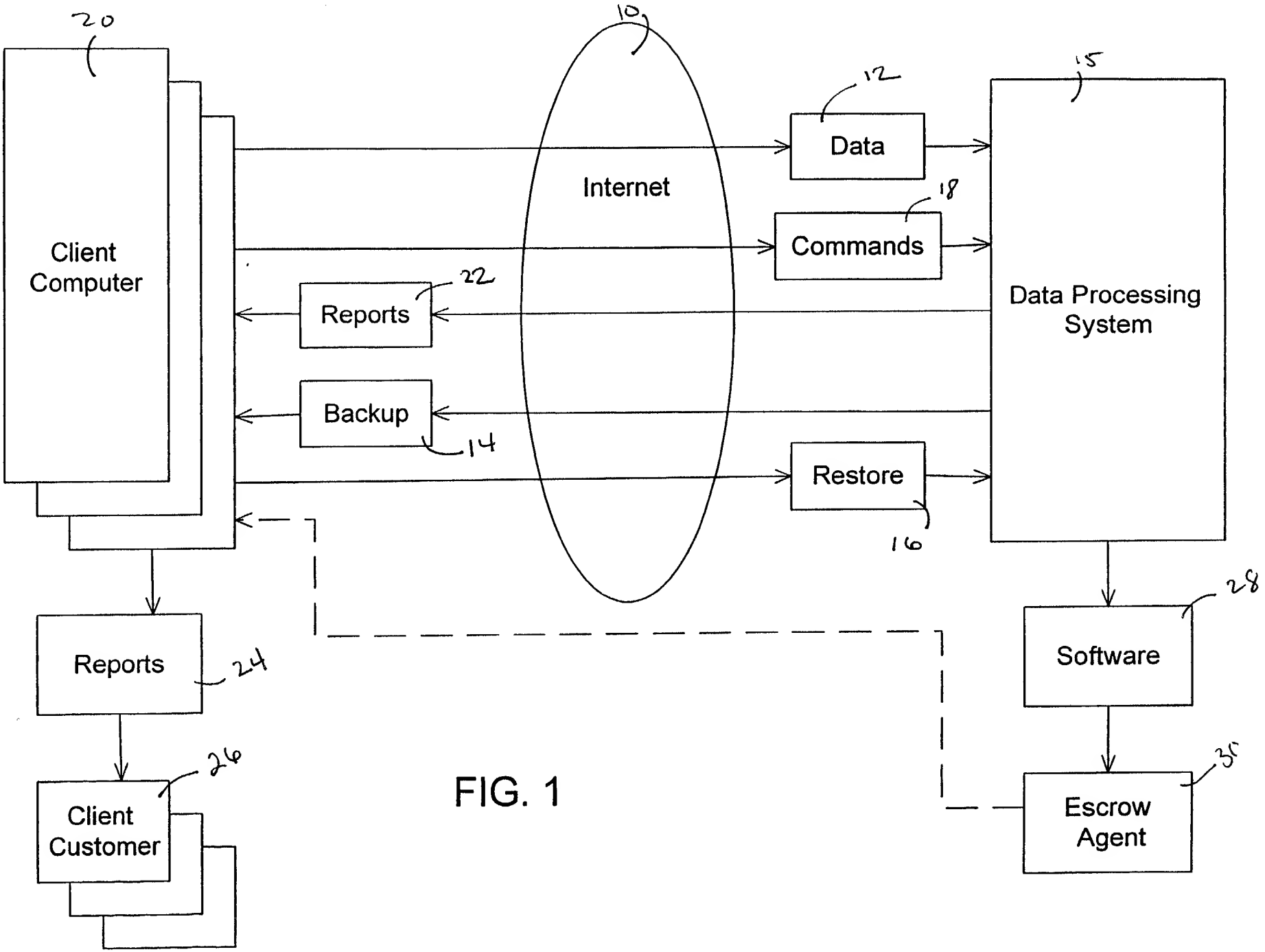
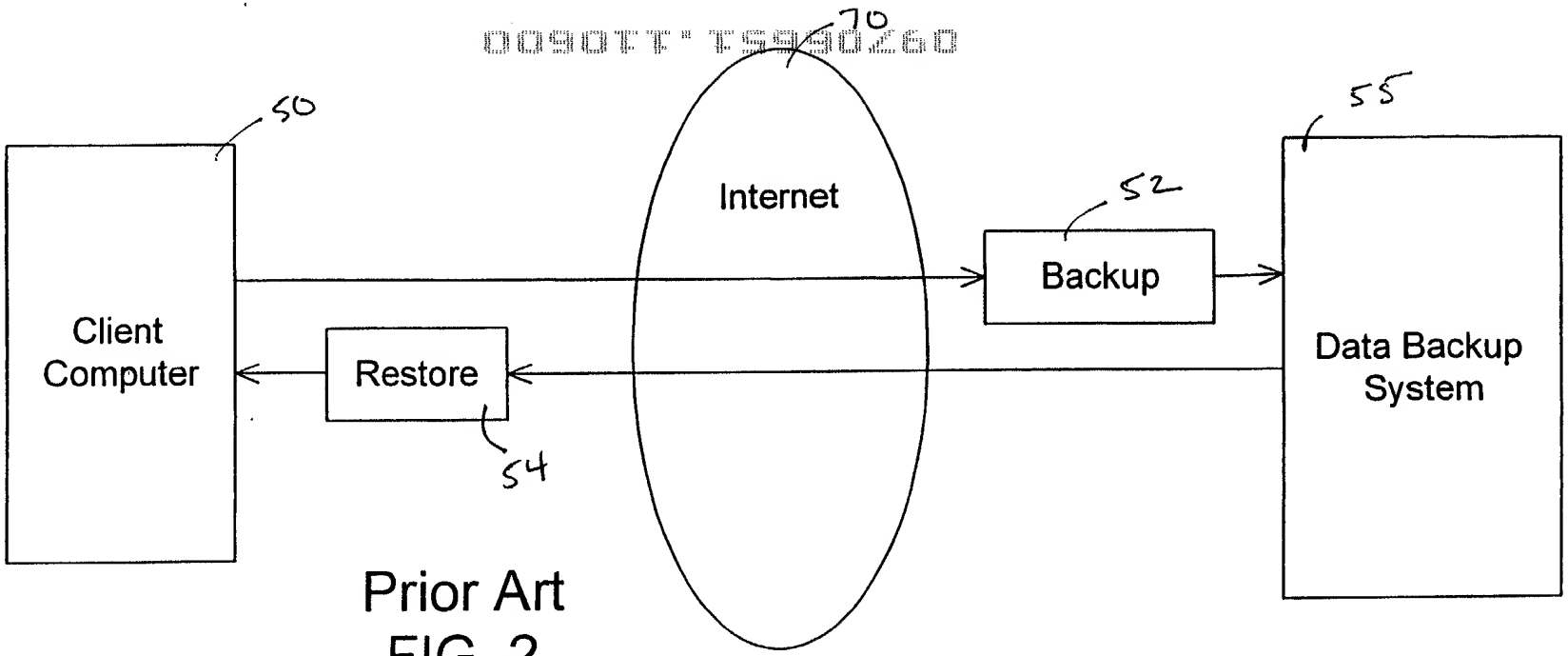
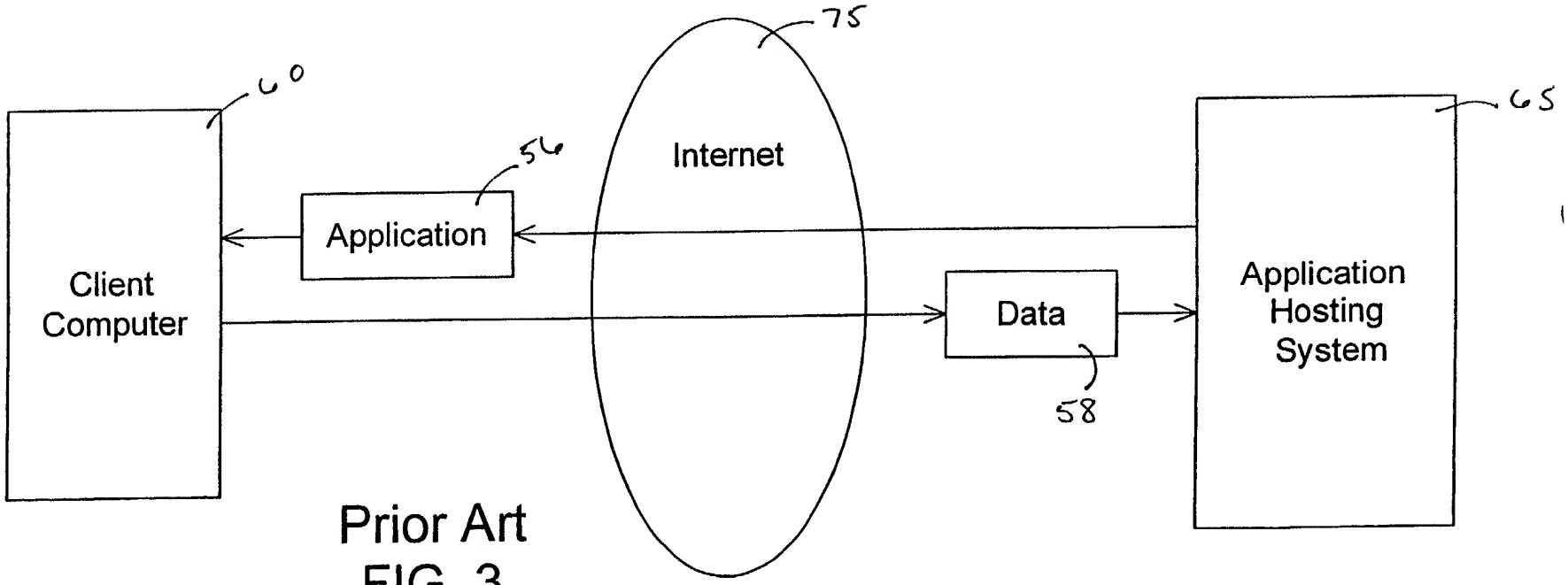


FIG. 1



Prior Art
FIG. 2



Prior Art
FIG. 3

09907 TS9902P0

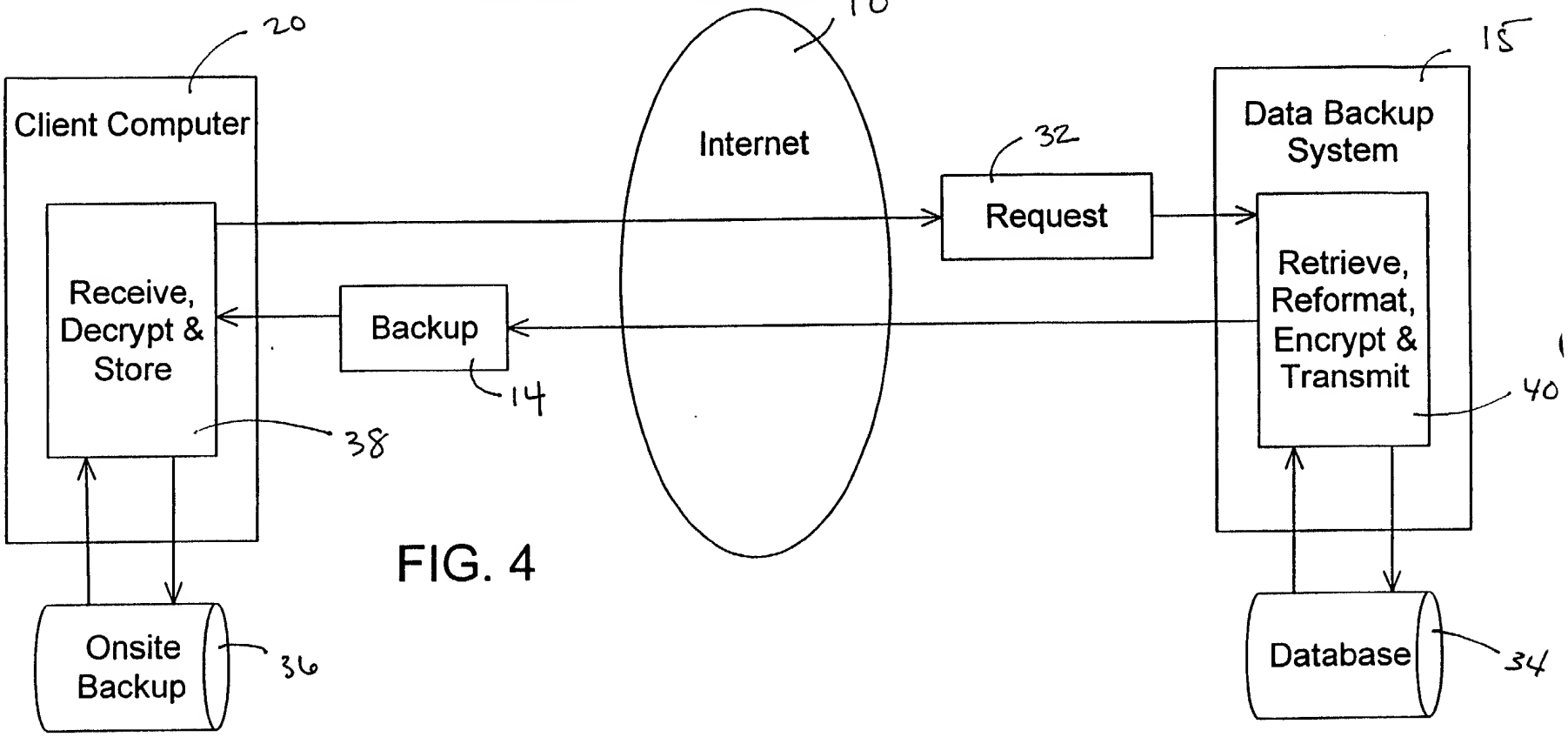


FIG. 4

Declaration and Power of Attorney

As below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe that I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **OnSite Backup For Inernet-Based Data Processing** (File No. 03000-P0003C WWW/TMO), the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. To the best of my knowledge, information, and belief the facts stated therein are true.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign applications for patent or inventor's certificate listed below and have also identified below any foreign applications for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

None

I hereby claim the benefit under Title 35, United States Code, §120 of the following United States application(s) listed below, and insofar as the subject matter of each of the claims of this Application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

United States Application No. 09/610,709 Filed July 7, 2000

I hereby claim the priority benefits under Title 35, United States Code §119(e) of the following United States provisional application(s) listed below:

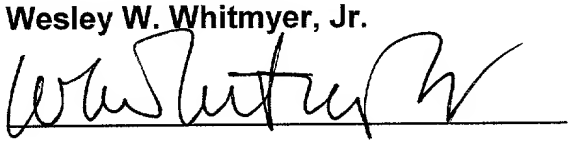
None

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and fur-

ther that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint Wesley W. Whitmyer, Jr., Registration No. 33,558, and Todd M. Oberdick, Registration No. 44,268, of ST.ONGE STEWARD JOHNSTON & REENS LLC; 986 Bedford Street; Stamford, Connecticut 06905-5619; Telephone (203) 324-6155, with full power of substitution, association and revocation, as attorney(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please direct all telephone calls and correspondence to Wesley W. Whitmyer, Jr. at the above address and telephone number.

Full name of first inventor:	**Wesley W. Whitmyer, Jr.**
Inventor's signature	
Date:	3 November 2000
Residence:	Darien, CT
Citizenship:	A citizen of United States
Post Office Address:	198 Old Kings Highway South Darien, CT 06820

DOCKET NO. 2000-0135